

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

OMNI INNOVATIONS, LLC, a  
Washington limited liability company;  
JAMES S. GORDON, JR., a married  
individual,

Plaintiffs,

v.

STAMPS.COM INC. a Delaware and  
California corporation; and JOHN DOES,  
I-X,

Defendants.

NO. C07-386 JCC

**DEFENDANT'S RESPONSE TO  
PLAINTIFFS' MOTION FOR A  
STAY**

NOTE ON MOTION CALENDAR:  
September 7, 2007

Defendant Stamps.com Inc. ("Stamps.com") takes no position on the pending Motion for a Stay (Dkt. #16, the "Stay Motion") filed by Plaintiffs James S. Gordon, Jr. ("Gordon") and Omni Innovations, LLC ("Omni"). However, Stamps.com respectfully requests that, prior to its decision on the Stay Motion, the Court rule on Stamps.com's pending Motion to Dismiss for Failure to State a Claim (Dkt. # 11, the "Motion to Dismiss"). The Motion to Dismiss is fully briefed and ripe for consideration. In the event this Court determines Plaintiffs' claims should be dismissed, it will conserve judicial resources to dispense with them entirely now, rather than postpone that decision

1 until later. Accordingly, Stamps.com requests that this Court decide the Motion to  
2 Dismiss before ruling on the Stay Motion.

3  
4 DATED this 4th day of September, 2007.

5  
6 **NEWMAN & NEWMAN,**  
7 **ATTORNEYS AT LAW, LLP**

8  
9 By:



10 \_\_\_\_\_  
Derek A. Newman, No. 26967  
Randall Moeller, No. 21094

11 Attorneys for Defendant Stamps.com Inc.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28